

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: EPHEDRA PRODUCTS LIABILITY	: 04 MD 1598 (JSR)
LITIGATION	:
	: 06 CV 00014
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Pertains to:	: NOTICE OF DEFENDANTS
	: HERBALIFE INTERNATIONAL
Harbir Singh, <i>et al.</i> v. Herbalife International of	: COMMUNICATIONS, INC.’S,
America, Inc., <i>et al.</i>	: HERBALIFE INTERNATIONAL
	: OF AMERICA, INC.’S, AND
	: STEVE PETERSON’S MOTION
	: TO PRECLUDE PLAINTIFFS’
	: CASE-SPECIFIC EXPERT’S
	: OPINIONS OR PORTIONS
	: THEREOF
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PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 26(a)(2), Federal Rules of Evidence 104(a) and 702, this Court’s *Daubert* Opinion (published at *In re Ephedra Prods. Liab. Litig.*, 393 F. Supp. 2d 181 (S.D.N.Y. 2005)), and all relevant Case Management Orders (“CMO”) in this Ephedra multi-district litigation, defendants Herbalife International Communications, Inc., Herbalife International of America, Inc., and Steve Peterson (collectively, “Herbalife”), by and through their counsel, request that the Court preclude the opinions of plaintiffs’ case-specific expert, Lawrence Shields, M.D., or in the alternative, preclude portions of his opinion.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, shall be served within 14 days after service of the motion papers; reply papers shall be served within 14 days after service of the answering papers; and oral argument will be held on a date and time to be determined by the Court.

PLEASE TAKE FURTHER NOTICE that in support of its motion, Herbalife shall rely upon:

1. The May 14, 2007 Declaration of Joanne M. Gray, and the exhibits thereto;
2. The Memorandum of Law in Support of Herbalife's Motion to Preclude Plaintiffs' Case-Specific Expert's Opinions Or Portions Thereof; and
3. All other pleadings and proceedings herein.

Dated May 14, 2007

/s/ Joanne M. Gray
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Steve Peterson

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2007, I caused a true and correct copy of the foregoing NOTICE OF DEFENDANTS HERBALIFE INTERNATIONAL COMMUNICATIONS, INC.'S, HERBALIFE INTERNATIONAL OF AMERICA, INC.'S, AND STEVE PETERSON'S MOTION TO PRECLUDE PLAINTIFFS' CASE-SPECIFIC EXPERT'S OPINIONS OR PORTIONS THEREOF to be served via E-Mail, via Federal Express overnight mail, and via the Electronic Case Filing system, upon:

David B. Rheingold, Esq.
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/s/ Joanne M. Gray
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